



SIGNED THIS 3rd day of June, 2021

THIS ORDER HAS BEEN ENTERED ON THE DOCKET.
PLEASE SEE DOCKET FOR ENTRY DATE.


Rebecca B. Connelly
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**
Harrisonburg Division

IN RE:
BRIAN LEE FERTIG
Debtor

Case No. 21-50231-RBC

Chapter 13

CITIBANK, N.A., AS TRUSTEE FOR
CMLTI ASSET TRUST
Movant

v.
BRIAN LEE FERTIG
Debtor/Respondent
and
CHRISTINE FERTIG
Co-Debtor/Co-Respondent
and
HERBERT L. BESKIN
Trustee/Respondent

ORDER TERMINATING THE AUTOMATIC STAY *IN REM*

This matter comes before the court on the Motion for Relief from Automatic Stay In Rem filed on May 11, 2021 (the "Motion") on behalf of Citibank, N.A., as trustee for CMLTI Asset Trust (the "Movant"), by counsel.

WHEREAS, a hearing on the Motion was held on June 2, 2021 (the "Hearing"); and

WHEREAS, upon consideration of the pleadings filed in this matter and the representations of counsel at the Hearing, the Court granted the Movant's request for relief from the automatic stay *in rem*, pursuant to 11 U.S.C. § 362(d);

NOW THEREFORE, it is hereby

ORDERED

that the automatic stay in this case shall be and the same is TERMINATED, pursuant to 11 U.S.C. § 362(d), to permit the Movant to take such action as may be necessary to enforce the lien of its Deed of Trust encumbering the real property known as 360 Viewtown Road, Amissville, VA 20106 (the "Property"), including the initiation of foreclosure proceedings and commencement of any action to obtain possession of the Property as permitted by applicable state law. The Property is more particularly described as follows:

All that certain tract or parcel of land, lying and being situate in Jackson Magisterial District, Rappahannock County, Virginia, more particularly described as follows:

Beginning at a fence corner in line with Jacobs, a new corner with the remainder of Parrish, thence with Jacobs N 56 deg 32' 26" E 1257.09 feet, N 20 deg 18' W 539.80 feet in part with the west line of the outlet to a corner in the south line of the road, thence with that line N. 64 deg. 25' E. 50.00 feet to a corner with a lot sole by Jacobs, thence with that lot, the east line of the outlet, S 20 deg 18' E 282.27 feet, thence N 56 deg 03' E 143.68 feet to a gum, corner in the Settle line, thence with Settle, a fence line S 12 deg 04' 49" E 1110.18 feet to a set stone, corner with Wayland in the Settle line; thence with Wayland, a fence S 58 deg 22' 27" W 1086.96 feet to an oak at a fence corner, corner with Wayland in the Switzer line; thence with Switzer, N 36 deg. 50' W 77.50 feet to an iron pin, S 77 deg. 00' 40" 202.20 feet of a new corner in the Switzer line with the remainder of the tract; thence a new line with the remainder N. 17 deg 14' 00" W 637.84 feet to the beginning. This part of the tract contains 25.000 acres, more or less.

BEING THE PROPERTY CONVEYED IN Warranty Deed from John Wesley Mills And Charlotte H Mills to Brian Fertig And Chrisline Fertig, dated 04/30/1997, recorded 05/02/1997, in Deed Book 224, Page 776, in the County Clerk's Office for Rappahannock County, Virginia.

IT IS FURTHER ORDERED that in view of the history of the bankruptcy filings set forth in the Motion for Relief and incorporated herein, the relief from the automatic stay granted shall be *in rem* relief and shall constitute an equitable servitude against any interest of the Debtor and any other party occupying or relating to the Property located at 360 Viewtown Road, Amissville, VA 20106, and shall be effective notwithstanding the filing of another case by the Debtor or any other party purporting to occupy, possess, reside at, or relate to the Property under any Chapter of the Bankruptcy Code in this or any other Bankruptcy Court.

IT IS FURTHER ORDERED that upon recordation, this Order shall be binding in any other bankruptcy case purporting to affect the Property filed not later than 2 years after the date of the entry of this Order, except that a debtor in a subsequent bankruptcy case may move for relief from the Order based upon changed circumstances or for good cause shown, after notice and a hearing. Any Federal, State, or local governmental unit that accepts notices of interest or liens in real property shall accept a certified copy of this Order for indexing and recording.

IT IS FURTHER ORDERED that the co-debtor stay of §1301(a) is terminated.

IT IS FURTHER ORDERED that the Debtor has the right to appeal the decision herein by filing a notice of appeal with the Court within fourteen (14) days to appeal the decision to the District Court.

****END OF ORDER****

I ASK FOR THIS:

/s/ Andrew Todd Rich
Andrew Todd Rich, VSB# 74296
BWW Law Group, LLC
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Richmond, VA 23229
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Counsel for the Movant

SEEN:

/s/ Herbert L. Beskin
Herbert L. Beskin, Trustee
123 East Main St., Ste. 310
Charlottesville, VA 22902
Chapter 13 Trustee

CERTIFICATION

I HEREBY CERTIFY that upon entry of this order, a copy will be mailed to all necessary parties not receiving electronic notice set forth below.

/s/ Andrew Todd Rich
Andrew Todd Rich
BWW Law Group, LLC
Counsel for the Movant

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